

File No. CI 20-01-29284

THE QUEEN'S BENCH
Winnipeg Centre

APPLICATION UNDER: *The Constitutional Questions Act, C.C.S.M., c. 180*

AND UNDER: The Court of Queen's Bench Rules, M.R. 553/88

IN THE MATTER OF: *The Public Health Act, C.C.S.M. c. P210*

BETWEEN:

GATEWAY BIBLE BAPTIST CHURCH, PEMBINA VALLEY BAPTIST CHURCH, REDEEMING GRACE BIBLE CHURCH, THOMAS REMPEL, GRACE COVENANT CHURCH, SLAVIC BAPTIST CHURCH, CHRISTIAN CHURCH OF MORDEN, BIBLE BAPTIST CHURCH, TOBIAS TISSEN, DJ'S FAMILY RESTAURANT, LYLE NEUFELD, HELEN NEUFELD, ROSS MACKAY

Applicants,

– and –

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF MANITOBA and DR. BRENT ROUSSIN in his capacity as CHIEF PUBLIC HEALTH OFFICER OF MANITOBA,

Respondents.

AFFIDAVIT OF THOMAS REMPEL
AFFIRMED JANUARY 7, 2021

JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS
Allison Kindle Pejovic / Jay Cameron



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Respondents.

AFFIDAVIT OF THOMAS REMPEL

I, THOMAS REMPEL of the City of WINKLER, in the Province of Manitoba,

MAKE OATH AND SAY AS FOLLOWS:

1. I have personal knowledge of the facts and matters hereinafter deposed to by me, except where same are stated to be based upon information and belief, and those I do verily believe to be true.

2. I am an adherent of the Christian faith and am a Deacon at Redeeming Grace Bible Church. I have been a Deacon there since 2018. Prior to that, I was a member of the same church for four years.

3. I lead our church's service on Sunday at 11:00am. There are approximately 90-100 members in our church who attend that service. As a Deacon I serve the congregation by leading in congregational prayer, serving the elements of communion, and operating the sound/lighting system.

4. Since March 2020 and the beginning of the Covid-19 pandemic, our church has had to close or face other restrictions which have prevented us from worshipping altogether. The Province of Manitoba's Chief Public Health Officer imposed Public Health Orders between March 2020 – May 2020 in response to Covid-19. As part of the restrictions listed in these Orders, churches were required to reduce the number of people who could worship together to 50, and then to 10. A copy of the relevant sections of those Orders is attached hereto and marked as **Exhibit "A"**.

5. On or about November 21, 2020, the Province of Manitoba approved Dr. Roussin's Public Health Order that restricted any kind of in-person worship at our church. A copy of the relevant section of that Order is attached hereto and marked as **Exhibit "B"**.

6. In-person worship continues to be prohibited under the current provincial Public Health Order dated December 22, 2020. A copy of the relevant section of that Order is attached hereto and marked as **Exhibit "C"**.

7. When the church was forced to close in April 2020, we were unable to gather together as commanded by the word of God, and were willing to explore whatever options are available to us. We had no desire to defy the government but needed to be faithful to what we are commanded. We rented a short-range FM transmitter and were able to gather together once again in separate vehicles on the same parking lot. Being that it was spring in Manitoba the weather brought a host of challenges that made this difficult and the strict regulations made partaking in communion challenging. Desiring to be obedient to the government we continued this way despite the challenges for many weeks.

8. We didn't have a building of our own to meet in which presented a real challenge, despite these restrictions being loose enough that in theory the whole of our congregation could meet indoors in one location. The facility we had been renting beforehand was unavailable and finding another location to meet indoors at this time seemed impossible. It was fortunate that by this time it was summer, and we could gather together in parks. Although the restrictions in place still made it a challenge to meet and faithfully worship God we were thankful the good weather still made it possible. No longer confined to cars, we could again worship God as we had been longing to do since the beginning of the lockdowns.

9. Eventually as the weather became less favourable we were able to find a building to rent that could accommodate our size even when the mandates reduced the maximum occupancy limit to 25%. We still did our best to maintain physical distancing and provided both masks and hand sanitizer to our attendees. The only fear we had was that the reduced capacity limit meant that even our small numbers pushed the occupancy to

the limit. We were constantly worrying about what would happen if a few extra guests came to tip us over the allowed number.

10. When the latest restrictions prohibited in-person gatherings altogether our church was at a loss. We are now faced with two options that no one should ever be faced with: either defy the government, or be unfaithful to the life of worship we are called to by God. No man should *ever* have to make this choice and it is the duty of our government to protect the faithful practice of religion, not make it illegal.

11. I firmly believe that the church gathering together in the worship of our Lord and saviour is paramount. Standing together and singing praise to our God and King is the highlight of my week and plays a vital role in my spiritual and emotional well-being. For me, in many ways the love and care that is experienced when we gather is greater than even that of a biological family. This love and sense of belonging comes primarily from two common thoughts: that I am a great sinner and that He is a great saviour. Galatians 3:26-29 says, "for in Christ Jesus you are all sons of God, through faith. 27 For as many of you as were baptized into Christ have put on Christ. 28 There is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus. 29 And if you are Christ's, then you are Abraham's offspring, heirs according to promise."

12. It is this unity and sense of belonging I've found when we gather together that is so vital to my health, spiritually and mentally. Since the Covid-19 related mandates have forced the church to close and made getting together with any members of my church punishable by fines I have suffered greatly. This forced isolation from anyone outside my home in a

time when fears and anxiety are already high have only served to compound the weight of a year already heavily laden with anxiety and depression – mental health issues I never had prior to the lockdowns. My mental health and conscience suffers every single week that goes by that I remain isolated and cannot worship in-person with the rest of the congregation.

13. In addition to the life-giving benefit of gathering with my fellow church members I also believe that The Bible commands us to do so. The common argument is that the church is not a building it's the people. The church is the assembly of the people of God, in the original Greek the word translated as church is always referring to the assembly of the people of God. Hebrews 10:24-25 says "And let us consider how to stir up one another to love and good works, 25 not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day drawing near." Here the word of God is instructing us to stir each other up in love and good works, and it goes on to tell us not to neglect in meeting.

14. Clearly the getting together, and the encouraging of one another is something that is central to the Christian faith. In 1 Corinthians 12 The Bible describes the church using the analogy of a person's physical body. It describes each member of the body being dependent upon one another and essential to the well-being of the body as a whole. The author is using this imagery to help the reader visualize the co-dependent nature of the members of the church body. This is why it's not enough to only associate ourselves with other Christians while remaining isolated in our own homes. We must be able to meet together as one body.

15. As important to the church as meeting together, the manner in which we worship God is equally as important. God, in His word to us makes it clear that in the assembly of His people, He is to be worshipped in congregational singing, the preaching of His word, and the partaking of the particular ordinances, namely communion, and baptism. While it is possible to include the preaching of God's word in a virtual service, congregational singing, communion, and baptism are all impossibilities virtually. This means that the mandates as they exist today make it impossible to be obedient to the government and faithfully worship God according to the Christian faith.

16. The various Public Health Orders have had a huge impact on our ability to worship. When gathering sizes were reduced to 10 and our congregation is nine or 10 times that size, we were unable to meet. We had no way of preparing for this ahead of time and so we were left with the same option we have now: stream the songs and preach. As clearly defined earlier this made the faithful practice of the worship of God impossible to do.

17. From the beginning I have felt strongly that these restrictions are a gross violation of the *Charter* rights that I have as a Canadian citizen to worship, assemble, and express myself. I believe that the level of threat that Covid-19 presents in no way justifies the amount of overreach and violation of our rights that we have experienced. The current mandates make it impossible to practice my faith and be obedient to the government at the same time. As a result I am left with a tremendous burden of stress and anxiety, while being without my primary source of encouragement and strength.

18. I can no longer legally worship in song with the church, partake in communion, or even practice hospitality (another important practice of Christianity) since I'm prohibited from even having people in my home who don't live there. While I can remain faithful in practice in some areas there are many that these mandates make impossible. I believe this to be an egregious violation of my *Charter* right to assemble and worship.

19. It has been a real challenge to feel anything other than stressed, anxious and depressed. I have lost total faith in my government when it comes to having my best interests in mind. Why does the government permit people to go to the liquor store and assemble there, but not at church? I feel that I am being treated unfairly as a Christian who is not free to assemble at church, when anyone can freely assemble indoors to buy alcohol.

20. I have no desire to defy the government, in fact quite the opposite, but when I'm faced with the options of disobedience to God or to the government, I'm at a loss. I disagree with many of the mandates, and question the validity of much of the science to support them. I am willing to wear the mask, use the sanitizer, stay home when I'm sick, and keep my distance in public, please just let me worship God as we are commanded to in His word. I as much as anyone I want Covid-19 to be a thing of the past and I'm willing to do my part. I only ask that I be allowed to exercise my religious convictions freely, without any restrictions. They are central to who I am and are critical for my well-being.

21. I joined this action because I desire to see liberty for every Canadian to freely practice their faith without fear of fines or persecution. I want these restrictions to be lifted and do not want further restrictions which would

prevent me from worshipping, expressing myself, or assembling in the future.

22. I make this affidavit *bona fide*.

AFFIRMED before me in the City of)
Winnipeg, in the Province of)
Manitoba, this 7th day of January,)
2021.)

L. Loep

Commissioner for Oaths in and for
the Province of Manitoba

My Commission Expires: *July 8/21*

Thomas Rempel

THOMAS REMPEL

TAB A

THIS IS **EXHIBIT "A"** TO THE AFFIDAVIT OF THOMAS REMPEL affirmed before me at the City of Winnipeg, in the Province of Manitoba, the 7th day of January, 2021.



A Commissioner for Oaths in and for the Province of Manitoba. My commission expires July 8, 2021.



MINISTER
OF HEALTH, SENIORS AND ACTIVE LIVING

Room 212
Legislative Building
Windsor, Manitoba, R5S 0P4
R3A 1A8

March 20, 2020

Dr. Brent Roussin
Chief Provincial Public Health Officer

Dear Dr. Roussin:

RE: Orders under section 67 of *The Public Health Act*

Pursuant to subsection 67(3) of *The Public Health Act*, this correspondence confirms that I, Cameron Friesen, Minister responsible for the administration of *The Public Health Act*, approve special measures being taken by the Chief Provincial Public Health Officer under clauses 67(2)(c) and (d) of *The Public Health Act* in response to the COVID-19 pandemic.

Cameron Friesen
Minister responsible for the administration of *The Public Health Act*

ORDER

THE PUBLIC HEALTH ACT
(Section 67)

WHEREAS:

1. The pandemic caused by the communicable disease known as COVID-19 is creating public health challenges in Manitoba that will continue to evolve and that require urgent actions to protect the health and safety of people across Manitoba.
2. I, Dr. Brent Roussin, Chief Provincial Public Health Officer, believe that as a result of the COVID-19 pandemic
 - (a) a serious and immediate threat to public health exists because of an epidemic or threatened epidemic of a communicable disease; and
 - (b) the threat to public health cannot be prevented, reduced or eliminated without taking special measures.
3. The Minister responsible for the administration of *The Public Health Act* (the "Act") has approved special measures being taken under clauses 67(2)(c) and (d) of the Act.

THEREFORE, I am taking the following special measures, as authorized under the Act:

ORDER 1

Pursuant to clause 67(2)(d) of the Act, all persons are prohibited from assembling in a public gathering of more than 50 persons at any indoor or outdoor place or premises. This includes places of worship, social gatherings and family events such as weddings and funerals.

EXCEPTION

This Order does not apply to the following:

- (a) a facility where health care or social services are provided;
- (b) a retail business (including a grocery or food store, shopping centre, pharmacy or gas station), provided that the person in control of the retail business implements measures to ensure that persons attending the business are reasonably able to maintain a separation of at least one metre from other persons attending the business;
- (c) a public transportation facility, provided that the person in control of the facility implements measures to ensure that persons attending the facility are reasonably able to maintain a separation of at least one metre from other persons attending the facility.

ORDER 2

Pursuant to clause 67(2)(d) of the Act, all persons are prohibited from assembling in a public gathering at any restaurant or other commercial facility where food is served, licensed premises under *The Liquor, Gaming and Cannabis Control Act* or any theatres offering live performances of music, dance and other art forms as well as movie theatres (the "hospitality premises").

EXCEPTION

This Order does not apply to hospitality premises if the operator of the hospitality premises limits occupancy to 50 persons or 50% of the capacity of the premises, whichever is the lesser, provided that the operator does not serve food buffet style and implements measures to ensure that persons attending the premises are reasonably able to maintain a separation of at least one metre from other persons attending the premises.



COPY

MINISTER
OF HEALTH, SENIORS AND ACTIVE LIVING

Room 302
Legislative Building
Winnipeg, Manitoba CANADA
R3G 0V8

March 31, 2020

Dr. Brent Roussin
Chief Provincial Public Health Officer

Dear Dr. Roussin:

RE: Orders under section 67 of *The Public Health Act*

Pursuant to subsection 67(3) of *The Public Health Act*, this correspondence confirms that I, Cameron Friesen, Minister responsible for the administration of *The Public Health Act*, approve special measures being taken by the Chief Provincial Public Health Officer under clauses 67(2)(a), (c) and (d) of *The Public Health Act* in response to the COVID-19 pandemic.

A handwritten signature in black ink, appearing to read 'Cameron Friesen', written over a horizontal line.

Cameron Friesen
Minister responsible for the administration of *The Public Health Act*

THE STATUTES AND REGULATIONS ACT

LOI SUR LES TEXTES LÉGISLATIFS
ET RÉGLEMENTAIRES

CERTIFICATE

CERTIFICAT

The undersigned hereby certifies that the attached Order is a true copy of the original Order:


Je soussigné certifie par les présentes que l'ordre ci-joint constitue une copie conforme de l'original :

- (a) entitled *Order under The Public Health Act*;
- (b) made under *The Public Health Act*;
- (c) made by the Chief Provincial Public Health Officer;
- (d) made on the date indicated in the attached Order.

- a) intitulé *Ordre donné en vertu de la Loi sur la santé publique*;
- b) donné en vertu de la *Loi sur la santé publique*;
- c) donné par le médecin hygiéniste en chef;
- d) donné à la date indiquée dans l'ordre ci-joint.

17/02/2020
Date

**Chief Provincial Public Health Officer/
Le médecin hygiéniste en chef,**



Dr. Brent Roussin/D^r Brent Roussin

THE PUBLIC HEALTH ACT
(C.C.S.M. c. P210)

Order under *The Public Health Act*

Regulation
Registered

WHEREAS:

1. The pandemic caused by the communicable disease known as COVID-19 is creating public health challenges in Manitoba that will continue to evolve and that require urgent action to protect the health and safety of people across Manitoba.
2. I, Dr. Brent Roussin, Chief Provincial Public Health Officer, believe that, as a result of the COVID-19 pandemic.
 - (a) a serious and immediate threat to public health exists because of an epidemic or threatened epidemic of a communicable disease; and
 - (b) the threat to public health cannot be prevented, reduced or eliminated without taking special measures.
3. The Minister responsible for the administration of *The Public Health Act* (the "Act") has approved special measures being taken under clauses 67(2)(a), (c) and (d) of the Act.

LOI SUR LA SANTÉ PUBLIQUE
(c. P210 de la C.P.L.M.)

Ordre donné en vertu de la *Loi sur la santé publique*

Règlement
Date d'enregistrement :

ATTENDU :

1. que la pandémie causée par la maladie transmissible connue sous le nom de COVID-19 présente dans la province des défis pour la santé publique qui continueront d'évoluer et qui nécessitent la prise de mesures urgentes pour protéger la santé et la sécurité de la population de l'ensemble du Manitoba;
2. que je, D^r Brent Roussin, médecin hygiéniste en chef, ai des motifs de croire que, compte tenu de la pandémie de COVID-19 :
 - a) une menace grave et immédiate pour la santé publique existe en raison d'une épidémie de maladie contagieuse, réelle ou appréhendée;
 - b) la menace ne peut être prévenue, atténuée ni éliminée sans prendre de mesures spéciales;
3. que le ministre chargé de l'application de la *Loi sur la santé publique* (« *Loi* ») a autorisé la prise de mesures spéciales visées aux alinéas 67(2)a), c) et d) de la *Loi*,

THEREFORE, I am taking the following special measures, as authorized under the Act.

TERMINATION OF PREVIOUS ORDERS

My Orders dated March 30, 2020, are terminated and replaced with the following:

ORDER 1

1(1) All persons are prohibited from assembling in a public gathering of more than 10 persons at any indoor or outdoor place or premises. This includes places of worship, social gatherings and family events such as weddings and funerals.

1(2) This Order does not apply to a facility where health care or social services are provided.

ORDER 2

2(1) All restaurants and other commercial facilities where food is served must not serve food to customers for consumption at their premises.

2(2) This Order does not prevent food from being sold for delivery or takeout if the person responsible for the restaurant or commercial facility implements measures to ensure that persons attending the premises are reasonably able to maintain a separation of at least two metres from other persons who are attending the premises.

ORDER 3

3(1) The operator of a business that is not listed in the Schedule must ensure that the place of business is closed between 12:01 a.m. on April 1, 2020, and 12:01 a.m. on April 14, 2020.

3(2) Despite subsection (1), temporary access to a closed place of business that is not listed in the Schedule is authorized, unless otherwise prohibited by any applicable law, for any of the following purposes:

PAR CONSÉQUENT, j'ordonne la prise des mesures spéciales qui suivent, conformément à ce qu'autorise la Loi.

RÉVOCATION DES ORDRES ANTÉRIEURS

Il est mis fin aux ordres que j'ai donnés le 30 mars 2020 et ils sont remplacés par ce qui suit :

ORDRE N° 1

1(1) Les rassemblements publics de plus de dix personnes sont interdits en tout lieu, tant à l'intérieur qu'à l'extérieur, y compris les lieux de culte, les rassemblements sociaux et les événements familiaux tels les mariages et les funérailles.

1(2) Le présent ordre ne s'applique pas aux établissements où des services sociaux ou de soins de santé sont offerts.

ORDRE N° 2

2(1) Les restaurants et autres établissements commerciaux qui servent des aliments sont tenus de cesser de servir des aliments à des clients pour consommation dans leurs locaux.

2(2) Le présent ordre n'a pas pour effet d'empêcher la vente d'aliments à livrer ou à emporter si la personne qui est responsable du restaurant ou de l'établissement commercial met en place des mesures visant à assurer que ceux qui le fréquentent sont raisonnablement capables de maintenir entre eux une distance d'au moins deux mètres.

ORDRE N° 3

3(1) L'exploitant d'une entreprise qui n'est pas visée à l'annexe veille à ce que ses locaux soient fermés de 0 h 1 le 1^{er} avril 2020 à 0 h 1 le 14 avril 2020.

3(2) Malgré le paragraphe (1) et sauf interdiction contraire de toute règle de droit applicable, l'accès provisoire aux locaux fermés d'une entreprise qui n'est pas visée à l'annexe est autorisé aux fins suivantes :



**MINISTER
OF HEALTH, SENIORS AND ACTIVE LIVING**

Room 502
Legislative Building
Winnipeg, Manitoba CANADA
R3C 0V8

May 5, 2020

Dr. Brent Roussin
Chief Provincial Public Health Officer

Dear Dr. Roussin:

RE: Orders under section 67 of *The Public Health Act*

Pursuant to subsection 67(3) of *The Public Health Act*, this correspondence confirms that I, Cameron Friesen, Minister responsible for the administration of *The Public Health Act*, approve special measures being taken by the Chief Provincial Public Health Officer under clauses 67(2)(a), (c) (d) and (d.1) of *The Public Health Act* in response to the COVID-19 pandemic.

A handwritten signature in black ink, appearing to read 'Cameron Friesen', written over a horizontal line.

Cameron Friesen
Minister responsible for the administration of *The Public Health Act*

THE PUBLIC HEALTH ACT
(C.C.S.M. c. P210)

Orders under *The Public Health Act*

WHEREAS:

1. The pandemic caused by the communicable disease known as COVID-19 is creating public health challenges in Manitoba that will continue to evolve and that require urgent action to protect the health and safety of people across Manitoba.
2. I, Dr. Brent Roussin, Chief Provincial Public Health Officer, believe that, as a result of the COVID-19 pandemic,
 - (a) a serious and immediate threat to public health exists because of an epidemic or threatened epidemic of a communicable (disease; and
 - (b) the threat to public health cannot be prevented, reduced or eliminated without taking special measures.
3. The Minister responsible for the administration of *The Public Health Act* (the "Act") has approved special measures being taken under clauses 67(2)(a), (c), (d) and (d.1) of the Act.

LOI SUR LA SANTÉ PUBLIQUE
(c. P210 de la C.P.L.M.)

Ordres donnés en vertu de la *Loi sur la santé publique*

ATTENDU :

1. que la pandémie causée par la maladie contagieuse connue sous le nom de COVID-19 présente dans la province des défis pour la santé publique qui continueront d'évoluer et qui nécessitent la prise de mesures urgentes pour protéger la santé et la sécurité de la population de l'ensemble du Manitoba;
2. que je, D^r Brent Roussin, médecin hygiéniste en chef, crois que, compte tenu de la pandémie de COVID-19 :
 - a) une menace grave et immédiate pour la santé publique existe en raison d'une épidémie de maladie contagieuse, réelle ou appréhendée;
 - b) la menace ne peut être prévenue, atténuée ni éliminée sans prendre de mesures spéciales;
3. que le ministre chargé de l'application de la *Loi sur la santé publique* (« *Loi* ») a autorisé la prise de mesures spéciales visées aux alinéas 67(2)a), c), d) et d.1) de la *Loi*,

THEREFORE, I am making the attached COVID-19 Prevention Orders, as authorized under the Act.

PAR CONSÉQUENT, j'ordonne la prise des mesures de prévention de la COVID-19 qui suivent, conformément à ce qu'autorise la Loi.

May 27 2020
Date

**Chief Provincial Public Health Officer/
Le médecin hygiéniste en chef,**



Dr. Brent Roussin/D' Brent Roussin

COVID-19 PREVENTION ORDERS

*Public gatherings***ORDER 1**

1(1) All persons are prohibited from assembling in a public gathering of more than ten persons at any indoor or outdoor place or premises. This includes places of worship, social gatherings and family events such as weddings and funerals.

1(2) This Order does not apply to a facility where health care or social services are provided.

1(3) For certainty, more than ten members of the public may attend a business that is permitted to open under these Orders if the operator of the business has implemented the applicable public distancing measures set out in these Orders.

*Retail and other businesses***ORDER 2**

2(1) A business listed in Schedule A may open, subject to any restrictions set out in the Schedule.

2(2) If a business listed in Schedule A allows members of the public to attend the place of business, the operator of the business must implement measures to ensure that members of the public attending the business are reasonably able to maintain a separation of at least two metres from other members of the public at the business.

ORDER 3

3(1) A business listed in Schedule B may open, subject to any restrictions set out in the Schedule.

ORDRES DE PRÉVENTION DE LA COVID-19

*Rassemblements publics***ORDRE N° 1**

1(1) Les rassemblements publics de plus de dix personnes sont interdits en tout lieu, tant à l'intérieur qu'à l'extérieur, y compris les lieux de culte, les rassemblements sociaux et les événements familiaux tels les mariages et les funérailles.

1(2) Le présent ordre ne s'applique pas aux établissements où des services sociaux ou de soins de santé sont offerts.

1(3) Il demeure entendu que plus de dix personnes peuvent fréquenter les locaux d'une entreprise dont l'ouverture est permise conformément aux présents ordres et dont l'exploitant a mis en place les mesures d'éloignement public applicables indiquées dans ces ordres.

*Commerces de détail et autres entreprises***ORDRE N° 2**

2(1) L'entreprise visée à l'annexe A peut être ouverte, sous réserve des restrictions qui y sont prévues.

2(2) L'exploitant d'une entreprise visée à l'annexe A qui permet au public de fréquenter ses locaux met en place des mesures visant à assurer que ceux qui les fréquentent sont raisonnablement capables de maintenir entre eux une distance d'au moins deux mètres.

ORDRE N° 3

3(1) L'entreprise visée à l'annexe B peut être ouverte, sous réserve des restrictions qui y sont prévues.

This order is no longer in force.

It was in effect for the period set out in the footer below

Le présent texte n'est plus en vigueur.

Il était en vigueur pendant la période indiquée en bas de page

THE PUBLIC HEALTH ACT
(C.C.S.M. c. P210)

Orders under *The Public Health Act*

LOI SUR LA SANTÉ PUBLIQUE
(c. P210 de la C.P.L.M.)

Ordres donnés en vertu de la *Loi sur la santé publique*

WHEREAS:

1. The pandemic caused by the communicable disease known as COVID-19 is creating public health challenges in Manitoba that will continue to evolve and that require urgent action to protect the health and safety of people across Manitoba.
2. I, Dr. Brent Roussin, Chief Provincial Public Health Officer, believe that, as a result of the COVID-19 pandemic,
 - (a) a serious and immediate threat to public health exists because of an epidemic or threatened epidemic of a communicable disease; and
 - (b) the threat to public health cannot be prevented, reduced or eliminated without taking special measures.
3. The Minister responsible for the administration of *The Public Health Act* (the "Act") has approved special measures being taken under clauses 67(2)(a), (c), (d) and (d.1) of the Act.

ATTENDU :

1. que la pandémie causée par la maladie contagieuse connue sous le nom de COVID-19 présente dans la province des défis pour la santé publique qui continueront d'évoluer et qui nécessitent la prise de mesures urgentes pour protéger la santé et la sécurité de la population de l'ensemble du Manitoba;
2. que je, D' Brent Roussin, médecin hygiéniste en chef, crois que, compte tenu de la pandémie de COVID-19 :
 - a) une menace grave et immédiate pour la santé publique existe en raison d'une épidémie de maladie contagieuse, réelle ou appréhendée;
 - b) la menace ne peut être prévenue, atténuée ni éliminée sans prendre de mesures spéciales;
3. que le ministre chargé de l'application de la *Loi sur la santé publique* (« *Loi* ») a autorisé la prise de mesures spéciales visées aux alinéas 67(2)a), c), d) et d.1) de la *Loi*,

THEREFORE, I am making the attached COVID-19 Prevention Orders, as authorized under the Act.

PAR CONSÉQUENT, j'ordonne la prise des mesures de prévention de la COVID-19 qui suivent, conformément à ce qu'autorise la *Loi*.

May 29, 2020
29 mai 2020

**Chief Provincial Public Health Officer/
Le médecin hygiéniste en chef,**

Dr. Brent Roussin/D^r Brent Roussin

COVID-19 PREVENTION ORDERS*Public gatherings***ORDER 1**

1(1) All persons are prohibited from assembling in a public gathering of more than 25 persons at an indoor place or more than 50 persons at an outdoor place. For certainty, this includes gatherings at places of worship and events such as weddings and funerals.

1(2) Subsection (1) does not apply to a business or a facility that is permitted to open under these Orders if the operator of the business or facility has implemented the applicable public distancing measures set out in these Orders.

1(3) Subsection (1) does not apply to an organized outdoor event which persons attend in their motor vehicle, if all persons remain in their motor vehicle or stay immediately outside of their vehicle in a manner that ensures that they are able to maintain a separation of at least two metres from other persons attending the event.

*Retail and other businesses***ORDER 2**

2(1) A retail business listed in Schedule A may open if the operator of the business implements measures to ensure that members of the public attending the business are reasonably able to maintain a separation of at least two metres from other members of the public at the business.

2(2) A business listed in Schedule B may open if the operator of the business

(a) implements measures to ensure that members of the public attending the business are reasonably able to maintain a separation of at least two metres from other members of the public at the business; and

ORDRES DE PRÉVENTION DE LA COVID-19*Rassemblements publics***ORDRE N° 1**

1(1) Les rassemblements publics, y compris dans les lieux de culte, les mariages et les funérailles, ne peuvent excéder 25 personnes à l'intérieur ou 50, à l'extérieur.

1(2) Le paragraphe (1) ne s'applique pas aux entreprises ou aux installations dont l'ouverture est permise conformément aux présents ordres et dont l'exploitant a mis en place les mesures d'éloignement public applicables indiquées dans les présents ordres.

1(3) Le paragraphe (1) ne s'applique pas aux événements extérieurs auxquels les participants assistent dans un véhicule automobile, ou à proximité immédiate de celui-ci de manière à maintenir entre eux une distance d'au moins deux mètres.

*Commerces de détail et autres entreprises***ORDRE N° 2**

2(1) Le commerce de détail visé à l'annexe A peut être ouvert si son exploitant met en place des mesures visant à assurer que ceux qui fréquentent ses locaux sont raisonnablement capables de maintenir entre eux une distance d'au moins deux mètres.

2(2) L'entreprise visée à l'annexe B peut être ouverte si son exploitant :

a) met en place des mesures visant à assurer que ceux qui fréquentent ses locaux sont raisonnablement capables de maintenir entre eux une distance d'au moins deux mètres;

TAB B

THIS IS **EXHIBIT "B"** TO THE AFFIDAVIT OF THOMAS REMPEL affirmed before me at the City of Winnipeg, in the Province of Manitoba, the 7th day of January, 2021.

A handwritten signature in blue ink, appearing to read "L. Lock", is written above a horizontal line.

A Commissioner for Oaths in and for the Province of Manitoba. My commission expires July 8, 2021.



**MINISTER
OF HEALTH, SENIORS AND ACTIVE LIVING**

Room 502
Legislative Building
Winnipeg, Manitoba R3C 0V8
CANADA

November 21, 2020

Dr. Brent Roussin
Chief Provincial Public Health Officer

Dear Dr. Roussin:

Re: Direction under section 67 of *The Public Health Act*

Pursuant to subsection 67(3) of *The Public Health Act*, this correspondence confirms that I, Cameron Friesen, Minister responsible for the administration of *The Public Health Act*, approve special measures being taken by the Chief Provincial Public Health Officer under clauses 67(2) (a.1), (c) (d) and (d.1) of *The Public Health Act* in response to the COVID-19 pandemic.

A handwritten signature in black ink, appearing to read 'Cameron Friesen', written in a cursive style.

Cameron Friesen
Minister responsible for the administration of *The Public Health Act*

THE PUBLIC HEALTH ACT
(C.C.S.M. c. P210)

Orders under *The Public Health Act*

WHEREAS:

1. The pandemic caused by the communicable disease known as COVID-19 is creating public health challenges in Manitoba that will continue to evolve and that require urgent action to protect the health and safety of people across Manitoba.
2. I, Dr. Brent Roussin, Chief Provincial Public Health Officer, believe that, as a result of the COVID-19 pandemic,
 - (a) a serious and immediate threat to public health exists because of an epidemic or threatened epidemic of a communicable disease; and
 - (b) the threat to public health cannot be prevented, reduced or eliminated without taking special measures.
3. The Minister responsible for the administration of *The Public Health Act* (the "Act") has approved special measures being taken under clauses 67(2)(a), (c), (d) and (d.1) of the Act.

LOI SUR LA SANTÉ PUBLIQUE
(c. P210 de la C.P.L.M.)

Ordres donnés en vertu de la *Loi sur la santé publique*

ATTENDU :

1. que la pandémie causée par la maladie contagieuse connue sous le nom de COVID-19 présente dans la province des défis pour la santé publique qui continueront d'évoluer et qui nécessitent la prise de mesures urgentes pour protéger la santé et la sécurité de la population de l'ensemble du Manitoba;
2. que je, Dr Brent Roussin, médecin hygiéniste en chef, crois que, compte tenu de la pandémie de COVID-19 :
 - a) une menace grave et immédiate pour la santé publique existe en raison d'une épidémie de maladie contagieuse, réelle ou appréhendée;
 - b) la menace ne peut être prévenue, atténuée ni éliminée sans prendre de mesures spéciales;
3. que le ministre chargé de l'application de la *Loi sur la santé publique* (« *Loi* ») a autorisé la prise de mesures spéciales visées aux alinéas 67(2)a), c), d) et d.1) de la *Loi*.

12(2) Outdoor recreational activities such as cross-country skiing, running and snowmobiling may take place while these Orders are in effect, as long as all participants maintain a separation of at least two metres from each other.

12(3) Dressing rooms, warming shacks and other indoor facilities associated with outdoor sporting or recreational activities must be closed while these Orders are in effect.

ORDER 13

13(1) All indoor sporting or recreational facilities must be closed while these Orders are in effect.

13(2) Subsection (1) does not prevent gymnasiums with volleyball or basketball courts in public and private schools from being used for physical education classes and practices during school hours.

Community centres

ORDER 14

14 Community centres may open. Only activities that are permitted under these Orders may take place in a community centre while these Orders are in effect. The conduct of specific activities at a community centre is governed by the applicable provisions of these Orders that relate to the activities in question.

Places of worship

ORDER 15

15(1) Except as permitted by subsections (3) and (4), churches, mosques, synagogues, temples and other places of worship must be closed to the public while these Orders are in effect.

12(2) Les activités récréatives extérieures, telles que le ski de fond, la course et la motoneige, peuvent avoir lieu pendant que les présents ordres sont en vigueur, pour autant que les participants maintiennent entre eux une distance d'au moins deux mètres.

12(3) Les vestiaires, abris et autres installations intérieures liées aux activités sportives ou récréatives extérieures demeurent fermés tant que les présents ordres sont en vigueur.

ORDRE N° 13

13(1) Les installations sportives ou récréatives intérieures demeurent fermées tant que les présents ordres sont en vigueur.

13(2) Le paragraphe (1) n'a pas pour effet d'empêcher que les gymnases des écoles publiques ou privées qui sont dotés de terrains de volleyball ou de basketball soient utilisés pour les pratiques et les cours d'éducation physique pendant les heures de classe.

Centres communautaires

ORDRE N° 14

14 Les centres communautaires peuvent ouvrir, mais seules les activités permises par les présents ordres peuvent y avoir lieu pendant que ces derniers sont en vigueur et uniquement en conformité avec les ordres applicables.

Lieux de culte

ORDRE N° 15

15(1) Sauf dans la mesure permise par les paragraphes (3) et (4), les églises, les mosquées, les synagogues, les temples et les autres lieux de culte demeurent fermés au public tant que les présents ordres sont en vigueur.

15(2) Despite subsection (1), religious leaders may conduct services at places of worship so that those services may be made available to the public over the Internet or through other remote means.

15(3) A funeral, wedding, baptism or similar religious ceremony may take place at a place of worship provided that no more than five persons, other than the officiant, attend the ceremony.

15(4) This Order does not prevent the premises of a place of worship from being used by a public or private school or for the delivery of health care, child care or social services.

Use of masks

ORDER 16

16(1) A person who enters or remains in an indoor public place must wear a mask in a manner that covers their mouth, nose and chin without gapping.

16(2) The operator of an indoor public place must ensure that every person who is not wearing a mask while in the indoor public place is given a reminder to do so as soon as practicable.

16(3) Subsections (1) and (2) do not apply in respect of the following:

- (a) a child who is under five years of age;
- (b) a person with a medical condition that is unrelated to COVID-19, including breathing or cognitive difficulties, or a disability, that prevents them from safely wearing a mask;
- (c) a person who is unable to put on or remove a mask without the assistance of another person;
- (d) a person who needs to temporarily remove their mask while in the indoor public place for the purpose of

15(2) Malgré le paragraphe (1), les chefs religieux peuvent tenir des services dans les lieux de culte dans le but de les rendre accessibles au public par Internet ou d'autres moyens à distance.

15(3) Les funérailles, les mariages, les baptêmes et les autres cérémonies religieuses semblables peuvent avoir lieu dans un lieu de culte, pour autant qu'au plus cinq personnes y assistent, hormis l'officiant.

15(4) Le présent ordre n'a pas pour effet d'empêcher qu'un lieu de culte soit utilisé par une école publique ou privée ou qu'il serve à la fourniture de soins de santé, de services de garde d'enfants ou de services sociaux.

Port du masque

ORDRE N° 16

16(1) Quiconque entre ou se trouve dans un lieu public intérieur est tenu de porter un masque bien ajusté couvrant la bouche, le nez et le menton.

16(2) L'exploitant d'un lieu public intérieur veille à ce que toute personne qui s'y trouve sans porter de masque reçoive dès que possible un rappel lui demandant de mettre un masque.

16(3) Les paragraphes (1) et (2) ne s'appliquent pas aux personnes qui répondent à l'un des critères suivants :

- a) elles ont moins de cinq ans;
- b) elles ont un problème de santé sans rapport avec la COVID-19, notamment des difficultés respiratoires ou cognitives, ou une incapacité qui ne leur permettent pas de porter un masque en toute sécurité;
- c) elles ne peuvent pas mettre un masque ou l'enlever sans l'aide d'une autre personne;
- d) elles doivent enlever temporairement leur masque pour l'une des raisons suivantes :

TAB C

THIS IS **EXHIBIT "C"** TO THE AFFIDAVIT OF THOMAS REMPEL affirmed before me at the City of Winnipeg, in the Province of Manitoba, the 7th day of January, 2021.



A Commissioner for Oaths in and for the Province of Manitoba. My commission expires July 8, 2021.

THE PUBLIC HEALTH ACT
(C.C.S.M. c. P210)

Orders under *The Public Health Act*

WHEREAS:

1. The pandemic caused by the communicable disease known as COVID-19 is creating public health challenges in Manitoba that will continue to evolve and that require urgent action to protect the health and safety of people across Manitoba.
2. Dr. Brent Roussin, Chief Provincial Public Health Officer has delegated his powers and duties under *The Public Health Act* ("the Act"), except the responsibilities under section 14 and 15 of the Act, to me, Dr. Jasdeep Atwal, effective December 17, 2020.
3. I believe that, as a result of the COVID-19 pandemic,
 - (a) a serious and immediate threat to public health exists because of an epidemic or threatened epidemic of a communicable disease; and
 - (b) the threat to public health cannot be prevented, reduced or eliminated without taking special measures.
4. The Minister responsible for the administration of the Act has approved special measures being taken under clauses 67(2)(a), (c), (d) and (d.1) of the Act.

LOI SUR LA SANTÉ PUBLIQUE
(c. P210 de la C.P.L.M.)

Ordres donnés en vertu de la *Loi sur la santé publique*

ATTENDU :

1. que la pandémie causée par la maladie contagieuse connue sous le nom de COVID-19 présente dans la province des défis pour la santé publique qui continueront d'évoluer et qui nécessitent la prise de mesures urgentes pour protéger la santé et la sécurité de la population de l'ensemble du Manitoba;
2. qu'à compter du 17 décembre 2020, le D^r Brent Roussin, médecin hygiéniste en chef, me délègue, à moi, D^r Jasdeep Atwal, les attributions que lui confère la *Loi sur la santé publique* (« *Loi* »), à l'exception de celles que lui confèrent les articles 14 et 15 de cette loi;
3. que je crois que, compte tenu de la pandémie de COVID-19 :
 - a) une menace grave et immédiate pour la santé publique existe en raison d'une épidémie de maladie contagieuse, réelle ou appréhendée;
 - b) la menace ne peut être prévenue, atténuée ni éliminée sans prendre de mesures spéciales;
4. que le ministre chargé de l'application de la *Loi* a autorisé la prise de mesures spéciales visées aux alinéas 67(2)a), c), d) et d.1) de la *Loi*,

THEREFORE, I am making the attached COVID-19 Prevention Orders, as authorized under the Act.

PAR CONSÉQUENT, j'ordonne la prise des mesures de prévention de la COVID-19 qui suivent, conformément à ce qu'autorise la *Loi*.

December 22, 2020

22 décembre 22, 2020 Dr. Jasdeep Atwal/D^r Jasdeep Atwal

*Community centres***ORDER 15**

15 Community centres may open. Only activities that are permitted under these Orders may take place in a community centre while these Orders are in effect. The conduct of specific activities at a community centre is governed by the applicable provisions of these Orders that relate to the activities in question.

*Places of worship***ORDER 16**

16(1) Except as permitted by subsections (3) to (5), churches, mosques, synagogues, temples and other places of worship must be closed to the public while these Orders are in effect.

16(2) Despite subsection (1), religious leaders may conduct religious services at a church, mosque, synagogue, temple or other place of worship so that those services may be made available to the public over the Internet or through other remote means.

16(3) A funeral, wedding, baptism or similar religious ceremony may take place at a church, mosque, synagogue, temple or other place of worship provided that no more than five persons, other than the officiant, attend the ceremony.

16(4) This Order does not prevent a church, mosque, synagogue, temple or other place of worship from conducting an outdoor religious service that complies with the requirements of subsection 2(2).

16(5) This Order does not prevent the premises of a church, mosque, synagogue, temple or other place of worship from being used by a public or private school or for the delivery of health care, child care or social services.

*Centres communautaires***ORDRE N° 15**

15 Les centres communautaires peuvent ouvrir, mais seules les activités permises par les présents ordres peuvent y avoir lieu pendant que ces derniers sont en vigueur et uniquement en conformité avec les ordres applicables.

*Lieux de culte***ORDRE N° 16**

16(1) Sauf dans la mesure permise par les paragraphes (3) à (5), les églises, les mosquées, les synagogues, les temples et les autres lieux de culte demeurent fermés au public tant que les présents ordres sont en vigueur.

16(2) Malgré le paragraphe (1), les chefs religieux peuvent tenir des services religieux dans les églises, les mosquées, les synagogues, les temples et les autres lieux de culte dans le but de rendre ces services accessibles au public par Internet ou d'autres moyens à distance.

16(3) Les funérailles, les mariages, les baptêmes et les autres cérémonies religieuses semblables peuvent avoir lieu dans une église, une mosquée, une synagogue, un temple ou un autre lieu de culte, pour autant qu'au plus cinq personnes y assistent, hormis l'officiant.

16(4) Le présent ordre n'a pas pour effet d'empêcher une église, une mosquée, une synagogue, un temple ou un autre lieu de culte de tenir un service religieux à l'extérieur en conformité avec les exigences prévues au paragraphe 2(2).

16(5) Le présent ordre n'a pas pour effet d'empêcher qu'une église, une mosquée, une synagogue, un temple ou un autre lieu de culte soient utilisés par une école publique ou privée ou qu'ils servent à la fourniture de soins de santé, de services de garde d'enfants ou de services sociaux.